IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTEENTH DAY OF DECEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 26536 of 2005

Between:

Dharavathu Venkanna

..... PETITIONER

AND

The Station House Officer,

Thirumalayapalem P.S.,

At Thirumalayapalem, Khammam District.

.....RESPONDENT

ORDER:

Seeking a Mandamus, declaring the action of the respondent and his subordinates in interfering with civil matters including the fishing operations of the petitioner and other Tribals in respect of the tank Gudi Cheruvu, situated at Mangalabanda Thanda, Kakaravai Gram Panchayat, Thirumalayapalam Mandal, Khammam District, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Home.

The petitioner submits that he is resident of Mangalabanda Thanda, Kakaravai Gram Panchayat of Thirumalayapalam Mandal, Khammam District and he is a fisherman by profession and belongs to ST community. It is stated that there is a tank by name Gudi Cheruvu in which the petitioner and 72 other ST community people have been conducting fishing operations since a long time. It is further stated that the Gram Panchayat, Kakarvai, vide its resolution dated 16.12.2001 allotted the said tank in favour of local ST community people to conduct fishing operations.

It is stated that the respondent, without any justification whatsoever, at the instance of local leaders, is interfering with the fishing rights of the petitioner and other ST community people.

I do not see any documentary evidence to show that the petitioner and other ST community people have allotted fishing rights in the alleged tank.

If the petitioner and other ST community people have any fishing rights in the alleged tank, and if the respondent is interfering with their legal rights, it is always open for the petitioner and other affected people to make a representation before the superior police officers. Without there being any request or demand for a specific relief, no Writ of Mandamus can be issued.

Accordingly, the Writ Petition is dismissed, giving liberty to the petitioner to make an appropriate representation before the concerned authorities for his redressal. No

order as to costs.

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V.ESWARAIAH,J

Dated: 13.12.2005

Dsr

Note:

Issue CC in three days

B/o

Dsr